

**UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE**

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*Plaintiff(s)*

TONI F. CAPASSO

vs.

*Civil Action No.:*

*Defendant(s)*

PRESSLER AND PRESSLER LLP,  
NEW CENTURY FINANCIAL SERVICES  
JOHN DOES, I-V (fictitious individuals)  
and ABC CORP., I-V  
(fictitious companies)

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Toni F. Capaso, Plaintiff in the above entitled and captioned matter, by way of Complaint against the Defendants respectfully demand Judgment of this Honorable Court against each Defendant, as follows:

**INTRODUCTION**

1. This is an action for damages against all Defendants for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"). Plaintiff seeks actual damages, statutory damages, punitive damages, costs and attorney's fees pursuant to the FDCPA.

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k (d), 28 U.S.C. § 1337, 28 U.S.C. § 1332. Declaratory relief is available pursuant to 28 U.S.C. § 2201 and 2202. Venue in this District is proper in that the conduct complained of occurred here and it is the district where Plaintiff resides. 28 U.S.C. § 1391.

### **PARTIES**

3. Plaintiff, Toni F. Capaso is a natural person residing in Florham Park, New Jersey, and a protected person, as defined in the FDCPA.
4. Defendants Pressler and Pressler, LLP, and ABC Corp I-II(fictitious companies) are a New Jersey law firm engaged in the practice of collecting debts in this State.
5. Defendants New Century Financial Services, John Does, I-V (fictitious individuals) and ABC Corp III-V (fictitious companies) are debt collectors engaged in the practice of collecting debts in this State.
6. All Defendants are authorized to and are doing business within the State of New Jersey.

### **REQUEST FOR TRIAL BY JURY**

7. Plaintiff requests a trial by jury.

### **REQUEST FOR EXEMPLARY/PUNITIVE DAMAGES**

8. Plaintiff respectfully requests that this Court instruct the jury, as the trier of facts, that in addition to actual, statutory and/or compensatory damages, punitive or exemplary damages may be awarded against the Defendants under the provisions of the FDCPA.

### **REQUEST FOR COSTS OF LITIGATION AND ATTORNEY FEES**

9. Plaintiff respectfully requests that this Court award Plaintiff their litigation expenses and other costs of litigation together with reasonable attorney fees incurred in this litigation, in accordance with the provisions of FDCPA.

### **GENERAL FACTUAL BASIS**

10. Plaintiff was at all times a resident of the State of New Jersey.
11. After falling on hard Financial Services times, Ms. Capasso fell behind on her credit cards. At least two of her debts were apparently sold to New Century Financial Services. As a result a Judgment was entered against her.

12. The defendant Pressler and Pressler, LLP was the law firm that entered each of the judgments. The first judgment was satisfied in full through a wage execution.
13. After the wage execution was stopped, on March 18, 2009, defendants sent a copy of the second judgment to her employer prior. At that time defendants had not even made the application for wage garnishment. This was a clear attempt in an attempt to embarrass the Plaintiff and collect on the judgment.
14. Defendant, Pressler and Pressler, LLP continued their illegal collection efforts despite being advised orally and in writing that Plaintiff's employer, a law firm, did not represent her and that no personal information should be sent to or disclosed to the law firm in violation of the FDCPA.
15. As a result of these actions, Plaintiff has sustained actual damages, emotional distress and statutory damages.
16. As a further result of these improper collection tactics Plaintiff filed for bankruptcy protection on March 26, 2009. A discharge was issued July, 10, 2009.
17. At all times Defendant Pressler and Pressler, LLP was the agent for and acting on behalf of the Defendant New Century Financial Services.
18. All conditions precedent to the bringing of this action have been performed, waived or excused.

#### **CLAIMS AGAINST PRESSLER AND PRESSLER, LLP**

19. Defendants have violated the FDCPA. Defendants' violations include, but are not limited to, the following:
  - (a) The Defendants violated 15 U.S.C. § 1692b(2) by communicating that the Plaintiff owed a debt to a person other than the consumer;
  - (b) The Defendants violated 15 U.S.C. § 1692c(b) by communicating the debt to third parties without express permission to do so;
  - (c) The Defendants violated 15 U.S.C. § 1692d by purposefully sending debt information to Plaintiff's employer to embarrass and harass her;
20. As a result of the above violations of the FDCPA, the Defendants Pressler and Pressler, LLP, John Does, I-V (fictitious individuals) and ABC Corp I-V (fictitious companies) are liable to the Plaintiff for declaratory judgment that their conduct violated the FDCPA, and for Plaintiff's actual damages, statutory damages, punitive damages, costs and attorney's fees.

**CLAIMS AGAINST NEW CENTURY Financial Services**

21. Defendants have violated the FDCPA. Defendants' violations include, but are not limited to, the following:
- (a) The Defendants violated 15 U.S.C. § 1692b(2) by communicating that the Plaintiff owed a debt to a person other than the consumer;
  - (b) The Defendants violated 15 U.S.C. § 1692c(b) by communicating the debt to third parties without express permission to do so;
  - (c) The Defendants violated 15 U.S.C. § 1692d by purposefully sending debt information to Plaintiff's employer to embarrass and harass her;
22. As a result of the above violations of the FDCPA, the Defendants Pressler and Pressler, LLP, John Does, I-V (fictitious individuals) and ABC Corp I-V (fictitious companies) are liable to the Plaintiff for declaratory judgment that their conduct violated the FDCPA, and for Plaintiff's actual damages, statutory damages, punitive damages, costs and attorney's fees.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendants, Pressler and Pressler, LLP, New century Financial Services, John Does, I-V (fictitious individuals) and ABC Corp. I-V (fictitious companies) for declaratory judgment that Defendants' conduct violated the FDCPA, and declaratory and injunctive relief for such; actual damages; statutory damages pursuant to 15 U.S.C. § 1692k; punitive damages; costs and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k, and for such other and further relief as may be just and proper.

**GREENBERG MINASIAN, L.L.C.**  
Attorneys for Plaintiff

Date: March 9, 2010

S/ William S. Greenberg  
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